

Minutes of the Regular Meeting of the Ankeny City Council

Monday, July 19, 2010 – 5:30 p.m.
Ankeny City Hall – City Council Chambers
410 W. First Street, Ankeny, Iowa
Steven D. Van Oort, Mayor
Dave Kissinger, Mayor Pro tem

Council Members: Craig Block, Dave Kissinger, Wade Steenhoek, Gary L. Welch

Mayor Van Oort called the meeting to order at 5:30 p.m. All council members were present. Assistant City Manager, Jim Spradling, and City Attorney, Amy Beattie, were present.

Mayor Van Oort led the Pledge of Allegiance.

CEREMONY: none

A. PUBLIC FORUM

Citizen Open Forum: none

B. APPROVAL OF AGENDA

ACTION #1. Steenhoek made the **MOTION** to approve and accept the July 19, 2010 agenda, with/without amendment, seconded by Welch.

ROLL CALL

2010-0719.01	YES	5	NO	0
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C. PUBLIC HEARING(S):

- **PH 2010-25:** Proposed 2010 Ankeny Comprehensive Plan

Mayor Van Oort announced this is the time and place for a public hearing on the adoption of an update to the chapters of the 2004 Ankeny Comprehensive Plan to be known as the 2010 Ankeny Comprehensive Plan. The update incorporates and updates many planning elements of the Ankeny Parks Facilities Comprehensive Plan adopted on November 5, 2007 and intends to leave the Facilities elements of the 2007 Parks & Facilities Comprehensive Plan in place. Notice of this hearing was published in the Des Moines Register on July 9, 2010.

John Peterson, Director of Planning & Building, presented a brief overview of the 2010 Ankeny Comprehensive Plan.

Carol Miller, 12023 NE 22nd Street, addressed the council stating she along with her husband opposes the designation placed on their farm as depicted in the Ankeny Comprehensive Plan as a blue belt as shown on pages 82 and 83 of the comprehensive plan. She stated depiction of blue belt on their land is not justified. She stated they are outside the city limits and outside the school district. She respectfully requested that any depiction of the blue belt / green belt be removed from the various maps currently shown as examples in the comprehensive plan.

Rebecca Holdridge, 2533 NE 98th Place, addressed council asking that the chapter on growth development in the Comprehensive Plan be revisited and requested no vote be taken at this time. She stated concerns with regard to flooding in the Deer Creek development.

John Peterson, Director of Planning and Building, presented a review of what staff looked at in development of the plan from staff level data as well as state level data and created a series of maps that were considered for environmental issues including wetlands.

LaVonne Griffion, 11655 NE 6th Street, addressed council with water issues concerns on their land as it relates to over flow problems as a result of development of private ponds.

Mayor stated the documentation that determines the blue belts will be marked as an appendage to the plan.

ACTION #2. Kissinger made the MOTION to close Public Hearing 2010-25, seconded by Strait.

ROLL CALL

2010-0719.02 YES 5 NO 0

Mayor Van Oort stated further consideration and action on this item will take place under "New Business", Agenda Item "K" later in the meeting.

D. REPORTS OF ADVISORY BOARDS AND COMMISSION:

Plan & Zoning Commission Representative, Todd Ripper updated the council on the activities of the Plan & Zoning Commission.

Parks Board Representative, Chad Hade updated the council on the activities of the Parks Board.

E. REPORT OF LOBBYIST: none

F. APPROVAL OF CONSENT AGENDA:

• **Minutes**

CA-1 Approval of official council actions of the regular meeting of July 6, 2010, as published, subject to correction, as recommended by the City Clerk.

CA-2 Receive and file minutes of the Plan & Zoning Commission meeting of July 6, 2010, subject to correction, as recommended by the recording secretary.

CA-3 Receive and file minutes of the Parks Board meeting of June 28, 2010, subject to correction, as recommended by the recording secretary.

• **Licenses and Permits:**

CA-4 Consider motion to approve a Class C Liquor License w/Sunday Sales for Applebee Corp. L.P., d/b/a Applebee's Neighborhood Grill & Bar, 1001 East First Street. (renewal)

CA-5 Consider motion to approve a Class C Liquor License w/Sunday Sales for Stix, Inc, d/b/a Stix, 1555 SE Delaware Avenue. (renewal)

• **Finance/Budget**

CA-6 Consider motion to receive and file Financial Reports for June 2010.

CA-7 Consider motion to receive and file Building Permit Report for June 2010.

CA-8 Consider motion to receive and file Utility Billing Report for June 2010.

CA-9 Consider motion to adopt RESOLUTION 2010-183 naming depositories for the City of Ankeny.

CA-10 Consider motion to approve Change Order #1 with Con-Struct, Inc. increasing the contract amount by \$2,854.00 for construction services on the 2010 PCC Reconstruction Program – NW 9th Street.

CA-11 Consider motion to approve Payment #1 in the amount of \$68,867.40 to Con-Struct, Inc. for construction services on the 2010 PCC Reconstruction Program – NW 9th Street.

CA-12 Consider motion to approve Change Order #3 with Halbrook Excavating, Inc. increasing the contract amount by \$13,783.40 for construction services on the SW Goodwin Street Utility Improvements and Paving Project.

CA-13 Consider motion to approve Payment #7 in the amount of \$95,743.15 to Halbrook Excavating, Inc. for construction services on the SW Goodwin Street Utility Improvements and Paving Project.

CA-14 Consider motion to approve Payment #4 in the amount of \$150,100.35 to Howard R. Green Company for engineering services on the I-35 & NE 36th Street Interchange – Final Design.

CA-15 Consider motion to approve Payment #24 in the amount of \$6,447.50 to Howard R. Green Company for engineering services on the SW Water Tower Project.

CA-16 Consider motion to approve Payment #12 in the amount of \$44,361.60 to Kirkham Michael for engineering services on the Westwinds Soil Stabilization and Erosion Control Project.

CA-17 Consider motion to approve Change Order #1 with Manatts, Inc. increasing the contract amount by \$5,544.19 for construction services on the SW Magazine Road & U.S. 69 Intersection Improvements Project.

- CA-18** Consider motion to approve Payment #1 in the amount of \$161,477.28 to Manatts, Inc. for construction services on the SW Magazine Road & U.S. 69 Intersection Improvements Project.
- CA-19** Consider motion to approve Payment #9 in the amount of \$15,009.00 to Nilles Associates, Inc. for engineering services on the Prairie Trail – Town Center Streets.
- CA-20** Consider motion to approve Payment #4 in the amount of \$3,272.50 to Nilles Associates, Inc. for engineering services on the South Ankeny Boulevard Feeder Main Project.
- CA-21** Consider motion to approve Payment #14 in the amount of \$578,464.60 to Sande Construction and Supply Co., Inc. for construction services on the Cascade Falls Aquatic Center Project.
- CA-22** Consider motion to approve Change Order #9 with Sternquist Construction, Inc. increasing the contract amount by \$27,020.00 for construction services on the 2009 SE Oralabor Road Reconstruction Project.
- CA-23** Consider motion to approve Payment #11 in the amount of \$253,633.33 to Sternquist Construction, Inc. for construction services on the 2009 SE Oralabor Road Reconstruction Project.
- CA-24** Consider motion to approve Payment #3 in the amount of \$93,522.56 to TK Concrete, Inc. for construction services on the 2010 PCC Street Patching Program – Phase I.
- CA-25** Consider motion to approve the July 19, 2010 Accounts Payable from the following funds: General \$145,008.82, Road Use Tax \$94,894.12, Economic Development \$583.17, Police/Fire Pension \$1,629.49, Dog Park Trust \$7,230.00, Contractor Bonds Trust \$600.00, Solid Waste \$32,089.60, Water \$228,421.58, Sewer \$286,726.87, Stormwater \$2,333.02, Golf Course \$29,885.30, Enterprise Project \$242,605.81, Revolving \$1,976.62, Risk Mgmt \$32,807.43, Health Insurance \$612.00, Equipment Reserve \$26,580.87, BAN/Bond Activity \$36,558.60, Capital Projects \$2,027,973.46, Payroll \$761,604.26, Less Srvc Trnsfrs (\$96.19), Less Agenda Pymts Approved Separately (\$1,549,295.28), Grand Total 2,410,729.55. (Finance Committee: T. Strait, Chp., C. Block, G. Welch)

• **Personnel Items:** None

• **Community Development Items**

- CA-26** Consider motion to adopt RESOLUTION 2010-184 approving cost participation for sidewalk oversizing in Cherry Glen Estates Plat 2.
- CA-27** Consider motion to adopt RESOLUTION 2010-185 providing for the giving of notice of the filing of an application for annexation of certain territory located adjacent to the southwest quadrant of Ankeny (Richard & Sharon Harris and Reid Strahan)

- CA-28** Consider motion to adopt RESOLUTION 2010-186 providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to amend the PUD zoning for certain property owned by Family Homes Construction, LLC/HZB Enterprises, LLC. (date of hrg: 8/2/10 @ 5:30 p.m.)

• **Engineering Items:**

- CA-29** Consider motion to adopt RESOLUTION 2010-187 accepting a proposal from The Concrete Contracting Company, Inc. in the amount of \$43,710.50 for the 2010 Somersby Park/Dog Park Parking Lot Project.

• **Capital Improvement Projects - Final Acceptance**

- CA-30** Consider motion to approve Change Order #6 decreasing the contract amount by \$6,898.20 with Corell Contractor, Inc. for construction services on the Prairie Trail Parkway and Aquatic Center Parking Lot Project.

- CA-31** Consider motion to accept the Certificate of Completion from Nilles Associates for the Prairie Trail Parkway and Aquatic Center Parking Lot Project.

- CA-32** Consider adopt RESOLUTION 2010-188, accepting the Prairie Trail Parkway and Aquatic Center Parking Lot Project with Corell Contractor, Inc., in the final contract amount of \$1,067,920.20.

- CA-33** Consider motion to authorize release of retainage payment in the amount of \$53,396.01 to Corell Contractor, Inc., for construction services on the Prairie Trail Parkway and Aquatic Center Parking Lot Project in accordance with the terms of the contract.

- CA-34** Consider motion to accept the Certificate of Completion from Howard R. Green Company for the 2.5 MG Elevated Water Storage Tank Project.

- CA-35** Consider adopt RESOLUTION 2010-189, accepting the 2.5 MG Elevated Water Storage Tank Project with CB&I, Inc. in the final contract amount of \$4,130,740.00.

- CA-36** Consider motion to authorize release of retainage payment in the amount of \$25,000.00 to CB&I, Inc. for construction services on the 2.5 MG Elevated Water Storage Tank Project in accordance with the terms of the contract.

• **Administrative Items:**

- CA-37** Consider motion to adopt RESOLUTION 2010-190 authorizing the certification of liens to the Polk County Treasurer for purposes of assessing delinquent utility account balances against property.

- CA-38** Consider motion to adopt RESOLUTION 2010-191 declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified projects.

CA-39 Consider motion to close the trail system along the perimeter of the Prairie Ridge Sports Complex on Saturday, July 24 from 6 a.m. to 11 a.m. for the Ankeny Youth Triathlon.

CA-40 Consider motion to adopt RESOLUTION 2010-192 authorizing the temporary closing of SW Third Street from SW Maple Street to mid-block between SW Walnut Street and SW Pleasant Street; SW Cherry Street from SW Third Street to SW Fourth Street; and SW Walnut Street from SW Third Street to mid-block between SW Second Street and SW Third Street for the purpose of an Uptown Ankeny Festival (La Vitsef – 8/28/2010 – 1:00 to 10:00 p.m.)

ACTION #3. Welch made the MOTION to approve the recommendations for Consent Agenda Items CA-1 through CA-40, seconded by Block.

ROLL CALL

2010-0719.03 YES 5 NO 0

G. SUPPLEMENTAL & REMOVED CONSENT AGENDA ITEMS:

ACTION #4. No action taken.

H. RECESS:none

I. LEGISLATIVE BUSINESS:

- Approval of Ordinances:

Ordinance 1659: An ordinance amending the Municipal Code of the City of Ankeny, Iowa, by adding new Chapter 11, Special Events.

ACTION #5. Kissinger made the MOTION to accept second consideration of ORDINANCE 1659, seconded by Steenhoek.

ROLL CALL

2010-0719.05 YES 5 NO 0

Ordinance 1660: An ordinance amending Chapter 44, Noise Control

Todd Redenius presented a synopsis of a study that was prepared by Audio Engineering who spent a considerable amount of time with regard noise measurement as it relates to the noise from the band shell facility. He stated as a result of the study the core issue is not the band shell itself but the location of the band shell in respect to residential neighborhood, specifically to the residential neighborhood to the north. He stated the biggest challenge is trying to create a balance between allowing quality concert events and amplified music events to occur while at the same time being respectful of the adjacent neighborhood.

Councilor Kissinger stated he was pleased that this study was performed and he would suggest this study be made available to the residential neighborhood to the north.

Mayor Van Oort stated the report would be made available on the city website.

ACTION #6. Kissinger made the MOTION to accept second consideration of ORDINANCE 1660, seconded by Strait.

ROLL CALL

2010-0719.06 YES 5 NO 0

Ordinance 1666: An ordinance amending Title 175 Building & Property Regulations of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2009 International Building Code and 2009 International Residential Code with amendments.

ACTION #7. Welch made the MOTION to accept second consideration of ORDINANCE 1666, seconded by Block.

ROLL CALL

2010-0719.07 YES 5 NO 0

Ordinance 1667: An ordinance amending Title 176 Building and Property Regulations, of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2009 International Mechanical Code with amendments

ACTION #8. Strait made the MOTION to accept second consideration of ORDINANCE 1667, seconded by Kissinger.

ROLL CALL

2010-0719.08 YES 5 NO 0

Ordinance 1668: An ordinance amending Title 177 Building and Property Regulations, of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2009 International Property Maintenance Code with amendments.

ACTION #9. Block made the MOTION to accept second consideration of ORDINANCE 1668, seconded by Steenhoek.

ROLL CALL

2010-0719.09 YES 5 NO 0

Ordinance 1669: An ordinance amending Title 178 Building and Property Regulations, of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2009 Uniform Plumbing Code with amendments

ACTION #10. Welch made the MOTION to accept second consideration of ORDINANCE 1669, seconded by Strait.

ROLL CALL

2010-0719.10 YES 5 NO 0

Ordinance 1670: An ordinance amending Title 179 Building and Property Regulations, of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2008 National Electric Code aka NFPA 70.

ACTION #11. Steenhoek made the **MOTION** to accept second consideration of **ORDINANCE 1670**, seconded by Kissinger.

ROLL CALL

2010-0719.11 **YES** **5** **NO** **0**

Ordinance 1671: An ordinance amending Title 180 Building and Property Regulations, of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2009 International Fire Code with amendments.

ACTION #12. Kissinger made the **MOTION** to accept second consideration of **ORDINANCE 1671**, seconded by Block.

ROLL CALL

2010-0719.12 **YES** **5** **NO** **0**

Ordinance 1672: An ordinance establishing Title 182 Building and Property Regulations, of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2009 International Energy Conservation Code with amendments.

ACTION #13. Strait made the **MOTION** to accept second consideration of **ORDINANCE 1672**, seconded by Block.

ROLL CALL

2010-0719.13 **YES** **5** **NO** **0**

J. OLD BUSINESS: none

K. NEW BUSINESS:

- Proposed 2010 Ankeny Comprehensive Plan (PH 2010-25)

ACTION #14. Kissinger made the **MOTION** to defer action on **RESOLUTION 2010-193** approving the 2010 Ankeny Comprehensive Plan to August 16, 2010. seconded by Block.

ROLL CALL

2010-0719.14 **YES** **5** **NO** **0**

- Proposed 2010 SW Scott Street Area Water Main Improvements Project Initiate Proceedings.

ACTION #15.Kissinger made the MOTION to adopt RESOLUTION 2010-194 ordering construction of certain public improvements and fixing a date of hearing thereon and taking of bids therefore, seconded by Welch. (Date of bid-letting 8/10/10@10:30 a.m./date of hearing 8/16/10 5:30 p.m.)

ROLL CALL
2010-0719.15 **YES 5 NO 0**

L. ADMINISTRATIVE BUSINESS:

- REPORT OF THE CITY STAFF: none

- REPORT OF THE GOVERNING BODY: none

Future Council Agenda Items:

- ***Public Hearing – Amend PUD zoning for certain property owned by Family Homes Construction, LLC/HZB Enterprises, LLC (date of hrg: 8/2/10 @ 5:30 p.m.)***
- ***Council Action Planning Session – 1) Trail System Development and Plan for Continued Maintenance 2) Crosswinds/Corporate Woods-Development Options; Corporate Business Park; NE 29th Street Development Standards – 8/9/10 @ 5:00 p.m.***
- ***Public Hearing – 2010 SW Scott Street Area Water Main Imprvmnts (date of hrg: 8 16//10 @ 5:30 p.m.)***
- ***Council Action Planning Session – Core Business Matrix – 8/23/10 @ 5:00 p.m.***
- ***Council Strategic Planning Retreat – 8/26-27/10***

M. ADJOURNMENT

ACTION #16.Block made the MOTION to adjourn, seconded by Strait. (7:22 p.m.)

ROLL CALL
2010-0719.16 **YES 5 NO 0**

Pamela DeMouth, City Clerk

Steven D. Van Oort, Mayor

The context of the above meeting will submitted for council action at their next regular meeting on August 2, 2010.

Published in the Des Moines Register on the 3rd day of August, 2010.